

**The Right To Self- Government And Representation Under Ethiopian Federation:  
An Assessment Of The Practice And Challenges**

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**Abstract**

The 1995 FDRE Constitution established an ethnic based federal state structure. Accordingly the constitution recognized the right to self-determination as given to all Nations, Nationalities and Peoples of Ethiopia to have cultural, linguistic, and the right to self-administration as a solution to resolve historical injustice and civil calamities. However, the current Ethiopian reality shows that member states of the federal government are very much controlled by central government as well as all ethnic groups are not adequately represented in all government institutions. Practically, it is a challenging task to adequately and fairly represent the 85 ethnic groups in nine regional states. To this regard, from among the estimated 85 ethnic groups only few ethnic groups were allowed to have their own self administration regions where as many several dozen smaller ethnic groups were either put together in multi-ethnic regions or attached as minority ethnic groups to the bigger ethnic communities. Accordingly the main objective of this study is to determine the extent to which the right to self-administration is implemented under Ethiopian federation. Furthermore, it tries to explore the legal and practical constraints to enforce the right to self-administration and representation of Nations, Nationalities and Peoples at all levels of government structure. To do so, the study draws from extensive literature reviews, journal articles, and the FDRE constitution.

**Key words:** FDRE constitution, the right to self-government, Ethiopia

**1. Introduction**

Ethiopia remains the cradle of mankind and one of the ancient independent countries in Africa. It has never been colonized apart from a five-year Italian occupation (1936-41). It served as a symbol of African independence throughout the colonial period, and it was a founding member of the United Nations and has also play an active role in the affairs of African (Haileyesuse, 2012).

Ethiopia is the home to more than 80 ethnic groups with distinct cultural, religious and linguistic identities. Among those immense diversities, no single ethnic community constitutes a majority which have more than 50% of the country's population. In fact, the Oromo, the Amhara, and Tigrayan are relatively the largest ethnic communities which constitutes 32%, 30 %, and 6.2 % of the total population of the country respectively. The other numerically largest groups are Somali (6 %), Gurage (4.31%) Wolaita (2.39%), and finally the Sidama ethnic group (3.47%)(Daniel, 2017, Tronvoll, 2000).

In Ethiopia, the historical facts which can be characterized by extremely centralized and autocratic governments ending with the reign of the military regime in 1991. As a result, the principle of federalism was totally alien to Ethiopian legal system and there was no clear mechanism to address the issue of diversity (Abay, 2003). After the end of military dictatorship in 1991, Ethiopia adopted the transitional charter which started a new political and legal systems in the country (Habtu, 2003).

Thus, the transitional charter of 1991 and the 1995 Federal Democratic Republic of Ethiopia (FDRE) constitution reshaped the political and constitutional history of Ethiopia. The 1995 Constitution confirmed the new approach towards ethnic diversity and stipulates ethno-linguistic line to be the primary basis of the new federal state structure. Thus, the constitution giving much protection to nation, nationality and people of Ethiopia. To this end, the FDRE constitution under Article 39(1)

gives the right to self-determination, including the right to secession for Every Nation, Nationality and People (NNP) of Ethiopia. According to Article (39) the right of self-determination has internal and external aspects which is exercised in any of the following four ways.

- a) First of all, the rights of Nations, Nationalities and Peoples to speak, write and develop their own languages as well as to express, to develop, promote and preserve their culture and history are guaranteed in the constitution.
- b) Another manifestation of the exercise of the right to self-determination is the right to a full measure of self-government which includes the right to establish institutions of government in the territory which a given group inhabits.
- c) The other aspect of the exercise of self-determination is the representation and participation of Nations, Nationalities and Peoples at all levels of government structure.
- d) Finally, the constitution takes the right to self-determination to the extreme by extending up to the right to succession. The right to secession which the constitution allows a Nation, Nationality or People to form its own sovereign state under international law.

This indicated that the constitution of Ethiopia guaranteed an excellent recognition of the rights of nations and nationalities without adequately implemented in practices. To this regard, Tronvoll (2000) stated that conflicts among ethnic groups, human rights violations and detention without trial are still take place in today's Ethiopia. This short term paper is not cover all aspects of the right to self-determination. To be specific, this paper is mainly discussed about the feasibility of establishing self-administration and representation of ethnic groups in government institutions along with its practical challenges.

## 2. Federalism and accommodation of ethnic diversity in Ethiopia

Historically, Federalism emerged as an important political ideology after the collapse of European colonial empires at the end of World War II. In this respect, many post-colonial multi-ethnic countries of Asia and Africa adopted federalism. Although most of these federations failed in their infancy, the role of federalism in balancing the competing and perhaps conflicting demands for autonomy and unity in such countries as India, Malaysia and Nigeria could not be doubted (S.M. ALIFF, 2016, Wondwosen, 2008).

Since the end of the Cold War, federalism once again emerged into the spotlight because of two contradictory views. First, the disintegration of the socialist federations of the USSR, Yugoslavia and Czechoslovakia refreshed doubts about stability and durability of multi-ethnic federations. The continuing standoff in Canada over the question of Quebec's independence and the frequent political stalemates that characterise federal Belgium strengthen uneasiness about the stability of multi-ethnic federations. Second, in spite of these problems, there is a growing interest in the use of federalism as a way of managing ethnically diverse countries after the collapse of authoritarian regimes and centralist nation-building projects (S.M. ALIFF, 2016, Watts 1996). The second view leads a growing interest in the use of federalism as a way of managing ethnically diverse countries. However, it is impossible to suggest some universal set of factors that explain why countries become adopt a federal state structure. As a result, federalism is basically a political system, each federal system has its own unique nature which is shaped by long historical, political, social and economic factors (Legesse, 2016). Now a days there are more than 25 existing federation throughout the world which are developed based on different context.

The case of Ethiopia is not significant different for the above realities. In Ethiopia there is polarizing debates among scholars regarding to the ethnic based federal state structure. According to the Ethiopian Peoples' Revolutionary Democratic Front (hereafter EPRDF) government, the ideology of ethnic federalism could have been seen as "the best possible model" after the ravages of the civil war and a regime marked by harsh centralist government which suppress ethno-regional sentiments and demands. Furthermore, ethno-federalism was also crucial to answer the "nationalities" question which is raised by student movement in the 1960s (Jon, 2011). That is why Ethiopia adopt ethnic-based federalism in 1991 to address administrative injustices, negligence, disrespectful and denial of

distinct identities of nationalities (Habtu, 2003). As per Articles 1 and 47 of the FDRE constitution, the country is a federation of nine ethno-linguistically divided regional states which includes Tigray, Afar, Amhara, Oromiya, Somali, Benishangul-Gumuz, Southern Nations, Nationalities, and peoples (SNNP), Gambela, and Harari and two city administrations, which are Addis Ababa and Dire Dawa Administration council. In principle, all those federating units are supreme in their own sphere.

On the other hand, many argue that ethnic federal system is a source of ethnic conflict and tension which eventually leads to the disintegration of Ethiopia (Siraw, 2015) instead of sharing political power between two levels of government. That is why Ethiopia is still very much controlled by central government, and that the constitutional devolution of power is not adequately implemented (Jon, 2011). To this regard, the EPDRF government has been criticised for not respecting and upholding its own constitution. This caused for large-scale anti-government protests in different parts of the country. After a wide range of opposition movement against the EPDRF government, the new Prime Minister Dr Abiy Ahmed was partially a direct response to such protests which have gripped Ethiopia since 2014. Especially the opposition is more violent in Oromia and Amhara regional states, which constitutes for almost 60 % of the population of the country. This indicted that ethnic federal system introduced by EPDRF has also a source of problem rather than as a solution for ethnic conflicts and tensions (Jon, 2011). This conflict forced the EPDRF government to elect a new prime minister. A new reform by Dr. Abiy adopt a mechanism of striking the balance between unity and diversity as well as the enforcement of human rights norms throughout the country. That is why he widening political space and release of political prisoners as a solution of peace and genuine democracy.

### **3. The right to Self-rule under Ethiopian federation**

As Legesse (2016) clearly explains, every federal system has two basic purposes which are ensuring self-rule through constitutional division of power and similarly achieving unity through shared federal institutions by working together on areas of conjoint interest. To this regard, the FDRE constitution gave recognition for ethnic diversity and the willingness to accommodate it through the right to self-determination including up to secession (Chi mgbako et al, 2008). The right to establish self-government is one of the manifestation of the right to self-determination. Accordingly, article 39(3) of the constitution says, "Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in state and federal governments." Furthermore, article 88(1) of the constitution stipulates that the Ethiopian government shall support and promote the right to self-rule which is guided by democratic principles at all levels (Tsegaye, 2013). As a result, in principle, the right to establish self-government is constitutionally guaranteed in order to respond the constitutional requirement of ensuring self-rule and equitable representation of the different ethnic groups in government institutions. Regarding to this, most regional states have amended their constitutions to provide for the establishment of ethnically defined zones and special weredas. For instance, the Nuer, Anuak and Mejenjer have their own 'Administration of Nationalities' in Gambella; Himra, Agew, Awi and Oromo have their own 'Nationality Administration' in Amhara regional state (Christophe, 2007). This is a good start to allow ethnic groups to administer their day-to-day affairs by themselves.

Although the Constitution of Ethiopia guaranteed the right to self-rule, the country still faces different challenges regarding the actual implementation. In fact, it is difficult to realize the demand of self-administration of all ethnic groups within nine regional states as well as to equally represent within Zonal and Woreda administration. For instance, in southern regional state there are about 56 ethnic groups, but only thirteen Zones and eight Special Woredas have been established so far. This implies that some ethnic groups now have their own Zone/Special Woreda, and the greater majorities, two-third of the ethnic groups share the same zonal or wereda administrations with other ethnic groups without having been accorded their own self-administration status. (Berhanu, 2007, & Christophe, 2007). This indicated that the right to self-determination is not realizing without the establishment of

self-government for each NNP of Ethiopia. For instance, would you exercise the right to political participation without establishing self- rule? Of course not, in multi-ethnic regions only some ethnic groups have the right to self-rule.

On the other hand, the scope of the right to self-administration extends to the formation of a new regional state that would become a member of the Federation. According to Article 47(2) of the constitution, Nations, Nationalities and Peoples within the regional states have the right to establish, at any time their own state. The question of any Nation, Nationality and People to form its own state is carried out through the approval of a two-thirds majority vote of the members of the council of the Nation, Nationality and People concerned and by a majority vote in case of a referendum. This indicated that the right to self-government is given clearly, but the criteria by which these Nations, Nationalities and Peoples established their own regional state is not clarified. It is confusing in the constitution that allows for one ethnic group to establish its own regional state with very few population and others are not succeed in establishing their own regional state even if they fulfill the necessary precondition to establish their own regional states (Brhanu, 2007).

The right to self-government also relates with a certain degree of political and economic autonomy at every level of the state system vis-à-vis the federal government. To this regard, Art 50 (8) of the constitution determines the extent of self- rule of the NNP by allocating range of powers to the regional states and delimiting the jurisdictions of the federal government. However, the FDRE constitution under 51(2) provides that the federal government has the powers to 'formulate and implement the country's policies, strategies and plans in respect of overall economic, social, and development matters. This showed that the division of plenary powers between the federal and regional governments is not balanced. The constitution itself gave major powers to the federal government and list very few powers to the regional states. This restrict the exercise of the right to self- government of regional states when main powers are given to the federal government.

#### **4. Representation of ethnic groups in two federal houses**

The other aspect of the exercise of self-determination is the representation and participation of Nations, Nationalities and Peoples at all levels of government structure in order to protect their constitutional rights. By virtue of the 1995 constitution, every Nation, Nationality or People has the right to be represented not only in the regional and local government bodies but also in federal governments' houses. As a result, the FDRE constitution established two federal houses such as the house of people representative (HPR)- which represent the people of Ethiopia and House of Federation (HoF)- a none law making body composed of the representatives of each nation, nationality and people. Hence, Nations, Nationalities and Peoples are represented in the two houses of the Federal government. Accordingly, members of the HPR, on the basis of population and special representation of minority Nationality and Peoples, shall not exceed 550; of these, minority Nationalities and Peoples shall have at least 20 seats to approve equal representation at the center. As the obligation of ensuring equitable representation at both level of governments, the EPRDF government is obliged to ensure equitable representation not only in the legislative but also in the executive and judicial arms of federal government as well (Christophe, 2007). However, the constitution fails to provide for equitable representation of ethnic groups in the executive, judiciary and civil service.

Regarding to the second House (HOF), all members of ethnic groups are to be represented with one member and the bigger ethnic groups to have one additional member for each 1 million of its population as per article 61(2) of the constitution. For instance a nation with ten million populations shall have eleven representatives and no maximum limit if the population of that particular nation is increasing by one million population. But so far only 76 ethnic groups are represented as shown in the following table.



**Table 1.** Ethnic composition of the regions and their number of representatives in the house of federation.

No.	Member states	No. of ethnic groups	Seats in HoF
1	Tigray	3	7
2	Afar	1	2
3	Amhara	5	24
4	Oromia	1	26
5	Somali	1	5
6	Benshangul Gumuz	5	5
7	SNNPRS	55	61
8	Gambella	4	4
9	Harari	1	1
Total		76	135

Source: house of people representation document, 2017

As shown in Table 1, there is disproportion representation of regional states in general and ethnic groups in particular. It ranges from high represented region of SNNP amounting to 61 to low represented regions of Harari and Afar with one and two representatives respectively. On the other hand, regional states that have a huge ethnic diversity such as the SNNP or those inhabited by large ethnic groups such as the Amhara and Oromia regions are more strongly represented in the HoF (Beken, 2009). Hence, three states namely the SNNP state, Amhara and Oromia together have 111 out of the 134 representatives in the House of the Federation. While the other three regional states such as Harari, Gambella and Benshangul-Gumuz together has only 10 representatives. Hence, all decision of the house in general is decided by simple majority votes. Therefore, it is difficult to entertain the views of minorities when decision is made by simple majority vote unless other means are implemented.

## 5. The Challenges of the right to self- rule in Ethiopia

Obviously, there is ambiguity in the constitution that declares the right to establish self-government for every ethnic groups in Ethiopia. Practically, it becomes a challenging task to adequately and fairly represent the 80 ethnic groups in nine regional states. Even only few ethnic groups like the Afar, Amhara, Oromo, and Somali have got a privileged position to administer themselves; even though the federal government and the ruling party have a dominant position over them. The constitution did not make or present any convincing explanation to form the nine regional states; the criteria are not clear or not consistently applied based on Art 46(2) of the constitution itself. For instance, No clear explanation was provided for the inclusion of Harari among member states of the federation without numerical, territorial, economic, and political strength and exclusion of others who are significant population and better economic capacity that can fulfill the working procedure to get a separate regional self-government entities like Sidama, Gurage and Wolayita which are compacting with numerous ethnic groups in southern Ethiopia in a single regional self-government structure (Brhanu, 2007). This indicated that the constitution itself is a constraint for ethnic groups to establish the right to self- rule and to exercise other aspects of self- determination rights.

Moreover, the constitution does not address the issues of exogenous groups to exercise the right to self-rule. As we know, the majorities of ethnic migrants belong to the Amhara ethnic group who are belong to other groups are also widely scattered throughout the country. Owing to their settlement pattern, territorial self-rule is not feasible to such ethnic migrants. Obviously, ethnic groups who are live outside their regions cannot establish their own political structure to participate in the conduct of regional or local governments. It is true that in Benishangul-Gumuz regional state conflict erupted in many times between the various population groups, indigenous Berta, Gumuz and descendants of later immigrant groups like the oromo, the Amhara, and others “highlanders”<sup>1</sup> about political

<sup>1</sup>According to David Shinn et al (2004), the term highland, has geographical, historical and political meaning despite the fact that it is not precisely defined. For instance, Tigrayan, and Amhara are generally considered as “highlander” ....they share (predominantly) a common political structure, land tenure system, culture and religion.

representation, ethnic districts and regional presidency Wolde-(Selassie, 2002). This is reflected in Benishangul-Gumuz regional state when individuals who do not speak one of the four indigenous languages are barred from contesting elections. The case involved three Amharic-speaking individuals who wanted to stand for the 2000 state legislature election. Based on a petition made by an ethnic-based party that operates within the regional state; the National Electoral Board (NEB) decided that the individuals could not stand for election as they could not speak one of the four indigenous languages spoken in the regional state (Getachew, 2011). This decision may be contradicts with article 38 of the constitution and violates their fundamental right to elect and to be elected. This indicated that integration of ethnic groups is also another challenge for establishing self- administration.

## 6. Conclusion

The 1995 constitution of Ethiopia established a federal system of government when member states of the federation are organized on the basis of ethno linguistic lines. To this regard, the recognition of the right to self-determination has become imperative to establish peace and democracy in the country. The right to self-determination has internal and external aspects. The right to establish self-administration is one manifestation of internal self-determination which is granted for every Nation, Nationality and People of Ethiopia as per Article 39(3) of the FDRE Constitution. In so much as Ethiopian federalism institutionalizes self- rule and shared-rule of ethnic communities by guaranteeing their representation and participation in the governance process which is a sustainable means of managing ethnic conflict. In fact the right to self-rule and equitable representation' of the different ethnic groups at government institutions is constitutionally recognized. But, reality shows that Ethiopia is still very much controlled by central government, and the constitutional devolution of power is not adequately implemented.

In fact, there is ambiguity in the constitution that declares the rights of self-government for every ethnic group in Ethiopia. It becomes a complex task to adequately and fairly represent the 80 ethnic groups in nine regional states. That is why only few ethnic groups established their regional state with few population but others are denied the right to establish their regional states even they have a millions of populations and wide territory. This showed that Neither the constitution nor the practice are precise or justified with respect to the establishment of regional states under the Ethiopian federation. This indicated that the practice of establishing of self-rule seems politically motivated under the current Ethiopian federation but its applicability depends on the will of the EPRDF government.

Furthermore, in multi-ethnic regions, the nations, nationalities and peoples of Ethiopia have the right to establish Zonal or Wereda administrations in order to administer their day-to-day affairs. However, the greater majority of the ethnic groups in SNNP regional state share the same zonal or wereda administrations with other ethnic groups without having been accorded their own self-administration status, which is guaranteed in the federal and regional constitutions. This indicated that the right to self- determination is not realizing without the establishment of self- rule for each NNP of Ethiopia. In addition, mere establishment of self-rule is not enough unless equitable representation at government institutions.

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